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M. ROBERT KESTENBAUM, LLC
PATENT AND TRADEMARK MATTERS

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TO:	Art Unit 3739 Examiner Peffley	FROM:	M. Robert Kestenbaum
COMPANY:	Commissioner for Patents	DATE:	March 14, 2004
FAX NUMBER:	(703) 872 9306	TOTAL NO. OF PAGES INCLUDING COVER:	3
PHONE NUMBER:	(703) 308 4305	SENDER'S REFERENCE NUMBER:	(H)02MUN0018USP
RE:	Request to Cancel Office Action	YOUR REFERENCE NUMBER:	10/049,934

NOTES/COMMENTS:


Dear Examiner Peffley:

I am faxing a Request to Cancel Office Action and Provide Replacement Office Action

Please review the following request and contact me as soon as possible to inform me of the status of the Office Action mailed 9 March 2004 for this application.

Thank you in advance for your attention to this matter.

Sincerely,


M. Robert Kestenbaum
Reg. No. 20,430

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Applicant Muntermann
Attorney Docket (H)02MUN0018USP
PCT/DE00/07942
US Application 10/049,934

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: International Application PCT/EP00/07942
US Patent Application 10/049,934
Filed August 16, 2000
Applicant Axel Muntermann
Art Unit 3739
Examiner Michael Peffley
Examiner's Phone (703) 308-4305
Examiner's Fax (703) 872-9306
Attorney Docket (H)02MUN0018USP

Mail Stop Response - No Fee
PO Box 1450
Commissioner for Patents
Washington, DC 20231

Request to Cancel Office Action and Provide Replacement Office Action

Dear Examiner Peffley:

We received a non-final action mailed 9 March 2004. Page 2 of the Office Action notes that claims 4-29 have not been further treated on the merits because a multiple dependent claim cannot depend on another multiple dependent claim.

Remarks

It should be noted that multiple dependencies were removed in the Preliminary Amendment (including a Substitute Specification based upon the Annexes to the PCT application) in the initial filing for entry into the national stage. Therefore, we respectfully believe that the current office action has not properly taken into consideration the Substitute Specification submitted with the initial filing. Applicant respectfully requests that the Examiner cancel the current Office Action and issue a replacement Office Action based upon examination of the Substitute Specification submitted with the initial filing for entry into the National Stage. Please contact Applicant's attorney at the contact information indicated below to notify

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Applicant that the current Office Action is vacated and inform us when we might expect a replacement Office Action.

Thank you in advance for cancelling this Office Action and providing a replacement Office Action as quickly as possible.

Respectfully submitted,

M. Robert Kestenbaum
Reg. No. 20,430
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I hereby certify this correspondence is being faxed to Commissioner for Patents, Alexandria, Virginia by facsimile transmission on March 14, 2004, fax number (703) 872-9306.



M. Robert Kestenbaum

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